



ATTORNEY DOCKET NO. 11114.0001U1
PATENT

#9
11/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
Vermillion)
)
Serial No.: 09/850,368)
)
Filed: May 7, 2001)
)
For: "DISSIPATIVE LAYER SUITABLE FOR)
USE IN PROTECTIVE PACKAGING")

Group Art Unit: 1774

Examiner: Nguyen, Kimberly T.

RECEIVED

NOV 07 2002

ELECTION UNDER RESTRICTION REQUIREMENT

TC 1700

Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

October 31, 2002

Sir:

This is in response to the Office Action dated October 1, 2002, wherein the Office Action has required an election between the following groups: I) Claims 1-9 drawn to a dissipative layer, classified in class 162, subclass 125; and II) Claims 10-30 drawn to a packaging material, classified in class 428, subclass 212.

Applicant provisionally elects Group I, Claims 1-9, with traverse. Applicant respectfully requests that the restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (Emphasis added.)

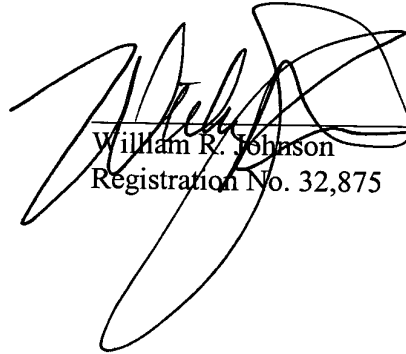
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Application Serial No.: 09/850,368

Here, irrespective of whether the groups requested are independent and distinct inventions, the requirement should be withdrawn since the Patent Office has not shown that it would be a serious burden to search and examine all of the groups together. Consequently, reconsideration and modification or withdrawal of the restriction requirement is requested.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Should the Examiner have any questions regarding this response, or the application in general, she is invited to telephone the undersigned at her earliest convenience.

Respectfully submitted,



William R. Johnson
Registration No. 32,875

Needle & Rosenberg, P.C.
The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.



William R. Johnson, Reg. No. 32,875

10/30/62
Date



1774
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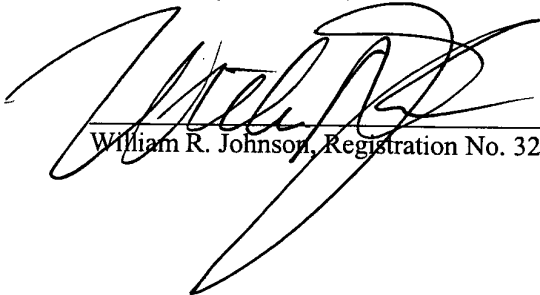
Transmitted herewith are the following documents:

1. Election under Restriction Requirement;
2. Certificate of Mailing dated November 1, 2002; and
3. Postcard.

NOV 07 2002
TC 1700

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629.

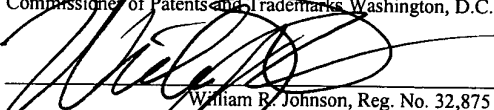
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